

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHERRIE LASHAWN MCCARTY,

Plaintiff,

v.

CV No. 18-168 KRS/CG

THE RIB CRIB BBQ, INC., et al.,

Defendants.

**ORDER RESETTING TELEPHONIC STATUS CONFERENCE
AND SETTLEMENT CONFERENCE**

To facilitate a final disposition of this case, a mandatory settlement conference will be conducted in accordance with Federal Rule of Civil Procedure 16(a)(5). The conference will be held on **Thursday, November 8, 2018, at 9:00 a.m., in Conference Rooms 1 (203) and 2 (205) of the United States Historic Courthouse, 421 Gold Ave. SW, Albuquerque, New Mexico.** A telephonic status conference will be held on **Thursday, November 1, 2018, at 2:00 p.m.** to discuss the parties' positions.

IT IS HEREBY ORDERED that the parties and a designated representative, other than counsel of record, with full authority to resolve the case, must attend in person; counsel who will try the case must also attend in person. All attorneys and parties involved in the settlement conference must treat as confidential the information discussed, positions taken, and offers made by other participants in preparation for and during the conference.¹

IT IS FURTHER ORDERED that:

¹ This does not prohibit disclosures stipulated to by the parties, necessary in proceedings to determine the existence of a binding settlement agreement, or as otherwise required by law.

1. By **October 12, 2018**, Plaintiff's counsel shall serve on defense counsel a concise letter that sets forth a settlement demand itemizing the principle supporting damages or other relief that plaintiff asserts would appropriately be granted at trial.
2. By **October 19, 2018**, Defendant's counsel shall serve on Plaintiff's counsel a concise letter that sets forth a response to the settlement demand.
3. By **October 25, 2018**, each party shall provide to the Court:
 - a. A copy of each letter that was sent to an opposing party;
 - b. A confidential, concise letter containing an analysis of the strengths and weaknesses of its case; and
 - c. Any video or audio recordings of the incident upon which this action is based.

These materials may be submitted to the Court by facsimile transmission, (575) 528-1675, or email, garzaschambers@nmcourt.fed.us.

4. Each of these letters typically should be 5 pages or fewer, and counsel will ensure that each party reads the opposing party's letter before the settlement conference.
5. Before **November 1, 2018**, Counsel shall confer with one another about their client's respective positions.
6. On **November 1, 2018 at 2:00 p.m.**, Counsel shall call Judge Garza's "Meet Me" line at **(505) 348-2693** for a telephonic status conference. This line can only accommodate up to five telephone lines, including the Court's; if the parties anticipate that they will exceed this capacity, they must contact the Court immediately so that alternative arrangements may be made.

A party must show good cause to vacate or reschedule the settlement conference.

Any such request must provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the settlement conference.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE